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6 WESTERN DISTRICT OF WASHINGTON
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 KENNETH FLEMING and JOHN DOE,

11 Plaintiffs,

12 v.

13 THE CORPORATION OF THE
14 PRESIDENT OF THE CHURCH OF
15 JESUS CHRIST OF LATTER-DAY
16 SAINTS, a Utah corporation sole, a/k/a the
17 “MORMON CHURCH,” LDS SOCIAL
18 SERVICES a/k/a LDS FAMILY SERVICES,
19 a Utah corporation,

20 Defendants.

21 No. **CV4 2338 ksm**

22 King County Superior Court
23 Cause No.: 04-2-33910-3KNT

24 **NOTICE OF REMOVAL OF
25 ACTION UNDER 28 U.S.C.
26 §1441
27 (DIVERSITY JURISDICTION)**



28 04-CV-02338-CMP

29 TO: THE UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF
30 WASHINGTON AT SEATTLE

31 Defendants hereby give notice that they are removing this case to the United
32 States District Court for the Western District of Washington on the grounds set forth
33 below.

34 1. On October 25, 2004, the above-entitled action was filed by plaintiffs
35 against defendants in King County Superior Court and thereafter was given cause
36 number 04-2-33910-3 KNT. The matter was assigned to The Honorable James D.

37 **NOTICE OF REMOVAL
38 OF ACTION TO FEDERAL COURT - 1**

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39 STAFFORD FREY COOPER

40 ATTORNEYS
41 3100 TWO UNION SQUARE
42 601 UNION STREET
43 SEATTLE, WASHINGTON 98101-1974
44 TEL. (206) 623-9900
45 FAX (206) 624-6855

1 Cayce. See Exhibit 1 attached to the Verification of State Court Records. A copy of the
 2 Order Setting Civil Case Schedule issued by the King County Superior Court Clerk on
 3 October 25, 2004, is attached as Exhibit 2.

4 2. On October 26, 2004, defendant LDS Social Services was served with a
 5 copy of plaintiffs' Summons and Complaint. See Exhibit 3 attached to the Verification of
 6 State Court Records.

7 3. On November 10, 2004, counsel for defendants filed a Notice of
 8 Appearance on behalf of all defendants with King County Superior Court, which is
 9 attached as Exhibit 4 to the Verification of State Court Records.

10 4. On November 10, 2004, counsel for defendants filed an Acceptance of
 11 Service on behalf of defendant The Corporation of the President of the Church of Jesus
 12 Christ of Latter-Day Saints, which is attached as Exhibit 5 to the Verification of State
 13 Court Records.

14 5. All defendants join in this removal without waiving insufficiency of service
 15 or process of service.

16 6. There have been no further proceedings in this action.

17 7. Under the express terms of the complaint, plaintiffs allege claims of
 18 negligence and breach of fiduciary duty, negligent infliction of emotional distress,
 19 estoppel and fraudulent concealment and civil conspiracy against defendants, both
 20 incorporated in the State of Utah and both with its principal place of business in Utah.

21 8. This is a civil action over which this Court has original jurisdiction pursuant
 22 to 28 U.S.C. § 1332. The entire case may be removed to the United States District
 23 pursuant to 28 U.S.C. § 1441 because the action involves a controversy between
 citizens of different states and the amount in controversy exceeds \$75,000.00 exclusive
 of interest and costs.

NOTICE OF REMOVAL
 OF ACTION TO FEDERAL COURT - 2

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STAFFORD FREY COOPER

Professional Corporation
 ATTORNEYS
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 601 UNION STREET
 SEATTLE, WASHINGTON 98101-1374
 TEL. (206) 623-9900
 FAX (206) 624-6885

1 9. Defendants have filed this Notice of Removal within thirty days after
2 receipt, through service or otherwise, of a copy of plaintiffs' Complaint. See 28 U.S.C. §
3 1446(b).

4 10. This Court is the district court of the United States for the district and
5 division embracing the place where the state court action is currently pending. See 28
6 U.S.C. § 1441(a).

7 WHEREFORE, defendants hereby give notice that the civil action in King County
8 Superior Court of the State of Washington has been removed from that Court to the
United States District Court for the Western District of Washington.

9 DATED this 18 day of November, 2004 at Seattle, Washington.

10 **STAFFORD FREY COOPER**
11 *Professional Corporation*

12 By 

13 Thomas D. Frey, WSBA #1908
14 Marcus B. Nash, WSBA #14471
15 Attorneys for Defendants

16 NOTICE OF REMOVAL
17 OF ACTION TO FEDERAL COURT - 3
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19 **STAFFORD FREY COOPER**
20 *Professional Corporation*
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The Honorable James D. Cayce

**SUPERIOR COURT OF WASHINGTON
FOR KING COUNTY**

KENNETH FLEMING and JOHN DOE.

No. 04-2-33910-3KNT

Plaintiffs.

**NOTICE TO SUPERIOR COURT
OF REMOVAL TO FEDERAL
COURT**

v.

THE CORPORATION OF THE
PRESIDENT OF THE CHURCH OF
JESUS CHRIST OF LATTER-DAY
SAINTS, a Utah corporation sole, a/k/a the
"MORMON CHURCH," LDS SOCIAL
SERVICES a/k/a LDS FAMILY SERVICES,
a Utah corporation.

Defendants.

TO: Clerk of the Superior Court of Washington for King County:

AND TO: KENNETH FLEMING and JOHN DOE, Plaintiffs:

20 AND TO: MICHAEL T. PFAU, Attorney for Plaintiffs:

21 AND TO: TIMOTHY D. KOSNOEFF, Attorney for Plaintiffs:

Please take notice that on the 18th day of November, 2004, defendants filed with the United States District Court for the Western District of Washington at Seattle a

**NOTICE TO SUPERIOR COURT OF
FEDERAL COURT REMOVAL - 1**

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STAFFORD FREY COOPER

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